

HOUSE TAXATION AND REVENUE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1097

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
VALIDATING, RATIFYING, APPROVING AND CONFIRMING PUBLIC
SECURITIES HERETOFORE ISSUED BY THE STATE OR ANY BOARD,
INSTITUTION, COMMISSION, DEPARTMENT, CORPORATION,
INSTRUMENTALITY OR AGENCY THEREOF, OR BY ANY COUNTY, CITY,
TOWN, VILLAGE, SCHOOL DISTRICT, IRRIGATION, CONSERVANCY,
DRAINAGE, SANITATION OR WATER DISTRICT, COMMISSION OR OTHER
POLITICAL SUBDIVISION OF THE STATE CONSTITUTING A BODY
CORPORATE; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"2005 Public Securities Validation Act".

Section 2. DEFINITIONS.--As used in the 2005 Public
Securities Validation Act:

.157708.1

underscoring material = new
[bracketed material] = delete

1 A. "public body" of the state means any state
2 educational institution or other state institution, its board
3 of regents or other governing body thereof constituting a body
4 corporate, any county, city, town, village, school district,
5 irrigation district, drainage district, conservancy district,
6 sanitation district, water district, commission, authority or
7 other political subdivision of the state constituting a body
8 corporate;

9 B. "public security" means a bond, note certificate
10 of indebtedness or other obligation for the payment of money,
11 issued by this state or by any public body thereof; and

12 C. "state" means the state of New Mexico and any
13 board, commission, department, corporation, instrumentality or
14 agency thereof.

15 Section 3. VALIDATION.--All outstanding public securities
16 of the state and of all public bodies thereof, and all acts and
17 proceedings heretofore had or taken, or purportedly had or
18 taken, by or on behalf of the state or any public body thereof
19 under law or color of law preliminary to and in the
20 authorization, execution, sale, issuance and payment, or any
21 combination thereof, of all such public securities are hereby
22 validated, ratified, approved and confirmed, including but not
23 necessarily limited to, the terms, provisions, conditions and
24 covenants of any resolution or ordinance appertaining thereto,
25 the redemption or refunding of public securities before

.157708.1

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1 maturity and provisions therefor, including defeasance and
2 discharge of liens arising from or existing by virtue of public
3 securities redeemed or refunded, the levy and collection of
4 rates, tolls and charges, special assessments, and general and
5 other taxes, and the acquisition and application of other
6 revenues, the pledge and use of the proceeds thereof, and the
7 establishment of liens thereon and funds therefore,
8 appertaining to such public securities, except as hereinafter
9 provided, notwithstanding any lack of power, authority or
10 otherwise, and notwithstanding any defects and irregularities
11 in such public securities, acts and proceedings, and in such
12 authorization, execution, sale, issuance and payment,
13 including, without limiting the generality of the foregoing,
14 such acts and proceedings appertaining to such public
15 securities all or any part of which have heretofore not been
16 issued nor purportedly issued. Such outstanding public
17 securities are and shall be, and such public securities
18 heretofore not issued nor purportedly issued shall be, after
19 their issuance, binding, legal, valid and enforceable
20 obligations of the state or the public body issuing them in
21 accordance with their terms and their authorizing proceedings,
22 subject to the taking or adoption of acts and proceedings
23 heretofore not had nor taken, nor purportedly had nor taken,
24 but required by and in substantial and due compliance with laws
25 appertaining to any such public securities heretofore not

.157708.1

1 issued nor purportedly issued.

2 Section 4. EFFECT AND LIMITATIONS.--The 2005 Public
3 Securities Validation Act shall operate to supply such
4 legislative authority as may be necessary to validate any
5 public securities heretofore issued and any such acts and
6 proceedings heretofore taken that the legislature could have
7 supplied or provided for or can now supply or provide for in
8 the law under which such public securities were issued and such
9 acts or proceedings were taken. The 2005 Public Securities
10 Validation Act, however, shall be limited to the validation of
11 public securities, acts and proceedings to the extent to which
12 the same can be effectuated under the state and federal
13 constitutions.

14 Section 5. CONSTRUCTION.--This act being necessary to
15 secure the public health, safety, convenience and welfare, it
16 shall be liberally construed to effect its purposes.

17 Section 6. EMERGENCY.--It is necessary for the public
18 peace, health and safety that this act take effect immediately.